

EXHIBIT CC

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

DAUPHIN COUNTY

CASSIUS M. CLAY Sr.	:
Plaintiff	:
VS.	: Civil Action
DEPARTMENT OF CORRECTIONS (D.O.C.) & EMPLOYEES	: No. _____
JACK A. LOUGHRY (D.O.C. BUSINESS MANAGER)	:
S.C.I. Greensburg	:
R.D. #10, Box 10	:
Greensburg, PA 15601	:
RICHARD GAYDOS (D.O.C. INMATE ACCOUNTING)	:
S.C.I. Greensburg	:
R.D. #10, Box 10	:
Greensburg, PA 15601	:
LAWERENCE P. BENNING (D.O.C. FACILITY MANAGER)	:
S.C.I. Greensburg	:
R.D. #10, Box 10	:
Greensburg, PA 15601	:
Defendants	:

MOTION FOR PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING

ORDER BASED ON ALLEGATIONS OF COMPLAINT

Plaintiff, Cassius M. Clay Pro-Se, Petitions this Court Pursuant to PA R.C.P. 1531, to enter a Preliminary Injunction and Temporary Restraining Order Against; the PA Department of Corrections, and their Employees, Jack A. Loughry, Richard Gaydos, and Lawrence P. Benning, the said Defendants at S.C.I. Greensburg, in the form, in the attached proposed Order and for the Reasons set forth in the Accompanying Verefied Complaint and Memorandum of Law filed with this Petition.

ARGUMENT

POINT 1

THE PLAINTIFF IS ENTITLED TO A PRELIMINARY INJUNCTION AND
TEMPORARY RESTRAINING ORDER

In determining whether a party is entitled to a Preliminary Injunction and Temporary restraining order, the Courts generally consider several factors: Whether the party will suffer irreparable injury, the "balance of hardships" between the parties, the likelihood of success on the merits, and the public interest. Each of these factors favors the grant of this motion.

A. THE PLAINTIFF IS THREATENED WITH IRREPARABLE HARM.

The plaintiff alleges that he has been indirectly denied Access to the Courts by the defendants actions, in not allowing the plaintiff to recieve all his monies from outside sources. Such conduct by prision officals are clear Constitutional Violations. see CHRICEOL V. PHILLIPS, 169 F3d 313(5th Cir. 1999)(noting that "Prisoners clearly have a Constitutionally protected right of access to the Courts, and Interference with a prisoner's right to access to the Courts, such delay, may result in a Constitutional deprivation): and TOOLASPRASHAD V. BUREAU OF PRISONS, 286 F3d 576(D.C. Cir. 2002); and also see MURRY V. DOSAL 150 F3d 814(8th Cir. 1998)(citing that Inmates have a Constitutionally Protectable Property Intrest in Money recieved from outside sources).

As a matter of law, the continuing deprivation of Constitutional rights constitutes Irreparable harm. see ELROD V. BURNS, 96 S.Ct. 2673(1976). This principle has been applied in prision litigation generally, see NEWSOM V. NORRIS, 888 F2d 371, at 378(6th Cir. 1989);and MITCHELL V. CUOMO, 748 F2d 804, at 806(2nd Cir. 1984).

B. THE BALANCE OF HARDSHIPS FAVORS THE PLAINTIFF.

In deciding whether to grant Preliminary Injunctions and Temporary Restraining Orders, the Courts ask whether the suffering of the moving party if the motion is denied will outweigh the suffering of the non-moving party if the motion is granted. see again MITCHELL V. CUOMO, 748 F2d 804, at 808(2nd Cir. 1984).

In this case, the present suffering of the plaintiff, and his potential suffering would be catastrophic in that; The plaintiff is in the middle of TWO Important Appeals.(The one as stated here for Child Support & Paternity, but most Important The Appeal of my Post Conviction Decision).

If, as here, I have the Original Documents, but can not send them, nor copy them, beacuse I do not have the Funds to buy a copy card,(and the Institution will not let you go in the red for copies) Then My P.C.R.A Appeal will be time barred, beacuse my Deadline is APRIL 21st. If I do not get the NEEDED Copies my Appeal will not only be time barred, but also My issues may be waived, for Federal Habeas Corpus purposes, for failure to bring them up in State Court. see Com. V. MURRAY 753 A2d 201(2000).

This would constitute a very extreme hardship in that; Plaintiff would due Additional Years, which you can not put a price on. The suffering the Defendants would experience if the Court grants the order, would consist of them not getting the 2% surcharge from thier business transaction. Where the defendant's hardship amounts to no more than business as usual.

C. THE PLAINTIFF IS LIKELY TO SUCCEED ON THE MERITS.

In the pending Appeal to the Family Division for the Support Orders in question, the main Issues were; That the plaintiffs Due Process was Easily Violated in that, not only was there no Notification for this Support Modification in accordance with 23 Pa. C.S.A. §4352 (b)(e)(f)&(g), but the order entered in this proceeding, which was supposed to come within 14 days, came after the Modification 2½ Months later. (again I have the original papers, but cannot send them, because I have no funds to get copies).

Also the plaintiffs Ability to pay was not taken into consideration. see *HALEY V. HALEY* 549 A2d 1316. Therefore as this Modification Order is on Appeal, the plaintiff is likely to succeed on these and other merits, that would return the Order as it was before, SUSPENDED. The word SUSPENDED as defined in Pa. R.C.P. Rule 1910.1(c) is, Eliminate the EFFECT of a Support Order for a period of time. That time is, When the Plaintiff is released, and schedules a Hearing to address these Cases. see *LEASURE V. LEASURE* 549 A2d 225, Where this case is identical to mine.

D. THE RELIEF SOUGHT WILL SERVE THE PUBLIC INTEREST.

In this case, the grant of relief will serve the public interest because it is always in the public interest for prison Officials to Obey the law. see *DURAN V. ANAYA*, 642 F.Supp. 150, at 527(D.N.M. 1986)("Respect for the law, particularly by Officials responsible for the Administration of the States Correctional Systems, is in itself a matter of the highest public interest").

POINT II

THE PLAINTIFF SHOULD NOT BE REQUIRED TO POST SECURITY.

Usually a litigant who obtains interm Injunctive relief is asked to post security. However, the plaintiff is an indigent prisoner and is unable to post security. The Court has discretion to excuse an impoverished litigant from posting security. see ORANTES-HERNANDEZ V. SMITH, 541 F.Supp. 351, at 385 n. 30 (C.D.Cal. 1982).

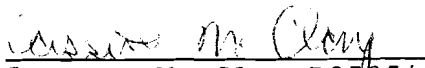
CONCLUSION

Here just as in F.E.R.C V. KECK 818 F.Supp.792, the demonstration that the Violation of a Statute and likelihood of Future Violations in Absent of an Injunction may be inferred by reference to past Violations, meets the requirements for Preliminary Injunctive Relief.

For the foregoing reasons, the Plaintiff Prays; that this Honorable Court grant The Motion in its entirety, in Assisting plaintiff this 1st. step of obtaining Relief, and in returning to Society as a Productive Member.

DATED: SEPTEMBER 10, 2003

RESPECTFULLY SUBMITTED,


Cassius M. Clay DQ5954

Pro Se Plaintiff

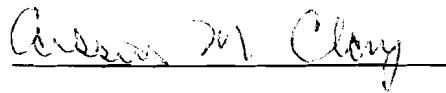
R.D. # 10, Box 10

Greensburg, PA 15601

STATEMENT OF VERIFICATION

I, CASSIUS M. CLAY, Defendant Pro-Se, Verify that the Statements made in this Matter, are True and Correct. I Understand that False Statements Herin are Made Subject to the Penalties of 18 Pa. C.S.A. §4904 Relating to Unsworn Falisfication to Authorities.

DATED: SEPTEMBER 10, 2003

A handwritten signature in cursive script, reading "Cassius M. Clay", is written over a horizontal line.

CASSIUS M. CLAY #DQ5954

Defendant Pro-Se

R.D. #10, Box 10

Greensburg, PA 15601

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

DAUPHIN COUNTY

CASSIUS M. CLAY Sr.	:	
Plaintiff	:	
VS.	:	Civil Action
DEPARTMENT OF CORRECTIONS (D.O.C.) & EMPLOYEES	:	No. _____
JACK A. LOUGHRY (D.O.C. BUSINESS MANAGER)	:	
S.C.I. Greensburg	:	
R.D. #10, Box 10	:	
Greensburg, PA 15601	:	
RICHARD GAYDOS (D.O.C. INMATE ACCOUNTING)	:	
S.C.I. Greensburg	:	
R.D. #10, Box 10	:	
Greensburg, PA 15601	:	
LAWERENCE P. BENNING (D.O.C. FACILITY MANAGER)	:	
S.C.I. Greensburg	:	
R.D. #10, Box 10	:	
Greensburg, PA 15601	:	
Defendants	:	

ORDER GRANTING PRELIMINARY
INJUNCTION AND TEMPORARY RESTRAINING ORDER

ORDER

AND NOW, this ____ Day of _____, 2003, Upon Consideration of Plaintiff's Petition for a Preliminary Injunction and Temporary Restraining Order Relief, and the Court having determined after a hearing (1) that the Plaintiff will Suffer Irreparable Harm if the Requested Relief is not Granted Immediately, (2) that the Plaintiff does not have an Adequate Remedy at Law, (3) that Greater Injury will be Inflicted Upon Plaintiff by a Denial of Relief, than would be Inflicted upon Defendants by the Granting of such Relief, and (4) that the Plaintiff is Likely to Prevail on the Merits;

It is hereby ORDERED and DECREED that; the D.O.C. and it's Employees, Jack A. Loughry, Richard Gaydos, and Lawrence P. Benning is Forthwith:

(1) Enjoined from Removing Any Funds from Cassius M. Clay's Account for Any Purposes, Untill a Hearing is held to Determine his Ability to Pay.

(2) Enjoined from Detracting 60% or More of Said funds for Support Purposes.

(3) Enjoined from causing or Authorizing the issuance of any Monetary funds from Plaintiff's Account without Express Approval of Plaintiff.

This Order Shall Remain in Full Force and Effect Untill such time as Modified or Vacated by this Court.

J.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

CASSIUS M. CLAY Sr. :
Petitioner, :
VS. : No. 640 MD 2003
COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF CORRECTIONS, ET AL., :
Respondents, :

CERTIFICATE OF SERVICE

I hereby Certify, that I am this day depositing, in the U.S. Mail, (at the State Correctional Institute at Greensburg) A True and Correct copy of My Petition for; Preliminary Injunction, and Temporary Restraining Order, that has been Treated as a Petition for Review, to the Commonwealth Court's Original Jurisdiction. see 42 Pa. C.S.A. §761, Pa. R.A.P. 1502. Which Service should Satisfy, the Requirements of the Pa. R.A.P. RULE 1514(c).

"If you intend to Participate in this proceeding in the Commonwealth Court, you Must Serve and File a Notice of or Application for Intervention Under Rule 1531 of the Pa. R.A.P. Within 30 Days."

SERVICE BY FIRST CLASS MAIL ADDRESSED AS FOLLOWS:

ALAN M. ROBINSON, Assistant Counsel
Pennsylvania Department of Corrections
55 Utley Drive
Harrisburg, PA 17011

by, Cassius M. Clay
CASSIUS M. CLAY Sr.
INSTITUTE #DQ5954
R.D. #10, Box 10
Greensburg, PA 15601

DATED: NOVEMBER 17, 2003.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

DAUPHIN COUNTY

CASSIUS M. CLAY Sr.	:
Plaintiff	:
VS.	: Civil Action
DEPARTMENT OF CORRECTIONS (D.O.C.) & EMPLOYEES	: No. _____
JACK A. LOUGHRY (D.O.C. BUSINESS MANAGER)	:
S.C.I. Greensburg	:
R.D. #10, Box 10	:
Greensburg, PA 15601	:
RICHARD GAYDOS (D.O.C. INMATE ACCOUNTING)	:
S.C.I. Greensburg	:
R.D. #10, Box 10	:
Greensburg, PA 15601	:
LAWERENCE P. BENNING (D.O.C. FACILITY MANAGER)	:
S.C.I. Greensburg	:
R.D. #10, Box 10	:
Greensburg, PA 15601	:
Defendants	:

RULE TO SHOW CAUSE WHY PRELIMINARY
INJUNCTION AND TEMPORARY RESTRAINING ORDER SHOULD NOT ISSUE

UPON THE SUPPORTING AFFIDAVIT OF THE PLAINTIFF AND THE
ACCOMPANYING MEMORANDUM OF LAW, IT IS HEREBY;

ORDERED that the Defendants Show cause in room ____ of the
_____ Courthouse, _____ [address], on the _____
Day of _____, 2003, at _____ O'clock, why a Preliminary Injunction
and Temporary Restraining Order Should Not Issue Pursuant to Rules
of Civil Procedure Rule 1531, Enjoining the said Defendants, their
Successors in Office, their Agents and their Employees and other
Persons Acting in concern and Participation with them, to Deprive
Plaintiff of his Funds, to provide an Appropriate course of Action
in Accordance with this Rule.

It is further ordered that Effective Immediately, and Pending the
Hearing and Determination of this Rule to Show Cause, that
Defendants, Cease and Desist of their Detraction of the said
Plaintiff's Funds.

It is Futher Ordered that this Rule to Show Cause, and all other
Papers Attached to this Petition, shall be Served on the
Defendants; JACK A. LOUGHRY, RICHARD GAYDOS, AND LAWERENCE P.
BENNING, by _____, 2003, and the United States Marshals Service
is Hereby Directed to Effectuate Such Service.

J.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

DAUPHIN COUNTY

CASSIUS M. CLAY Sr.	:
Plaintiff	:
VS.	: Civil Action
DEPARTMENT OF CORRECTIONS (D.O.C.) & EMPLOYEES	: No. _____
JACK A. LOUGHRY (D.O.C. BUSINESS MANAGER)	:
S.C.I. Greensburg	:
R.D. #10, Box 10	:
Greensburg, PA 15601	:
RICHARD GAYDOS (D.O.C. INMATE ACCOUNTING)	:
S.C.I. Greensburg	:
R.D. #10, Box 10	:
Greensburg, PA 15601	:
LAWERENCE P. BENNING (D.O.C. FACILITY MANAGER)	:
S.C.I. Greensburg	:
R.D. #10, Box 10	:
Greensburg, PA 15601	:
Defendants	:

DECLARATION IN SUPPORT OF PLAINTIFFS MOTION

FOR PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING ORDER

I, CASSIUS M. CLAY, DECLARE UNDER PENALTY OF PERJURY THAT:

(1) I am the Plaintiff in this Case. I make this declaration in Support of my Motion for a Preliminary Injunction and Temporary Restraining Order to Ensure; that I recieve ALL Funds/Gifts due to me from family and friends, that comes into my Account, that I have a Constitutional Protected Liberty Intrest in.

(2) As set forth in the Complaint, and Memorandum of law in this Case, I petitioned the Family Division Court in 1998 to Inform them that I could not Continue to make Child Support Payments, because I was currently Incarcerated, and only making \$20.00 a Month, and I Do Not have the Ability to Pay the Required Amounts.

(3) The Courts then, Suspended the Support Orders, and Remitted the Arrearages, untill my Release, where I am to Report to the Family Division to Schedule a Hearing to Address these Issues.

(4) The Family Division by Statute 23 Pa. C.S.A. §4352(a) Reviews Support Orders Automatically every three years, and makes Adjustments to the Orders in case of any Changes in Circumstances.

(5) I have had two Previous Reviews and Orders that have had the Arrearages Reduced, beacuse of Children found not to be mine.

(6) Even though this is possible, the Courts decisions can be flawed, or based on wrong information, and can be Appealed.

(7) The recent ruling can attest of this in that; during the recent Review of all of my cases one of the Children, again is not mine, and is being Appealed.

(8) The case in Particular, Patrice Burney's, not only has Paternity been an Issue since the onset in 1986, as the Mother of the child Refuses to take a Blood test, but the Court in 1999 had Terminated my Parental Rights, where the Grandmother now has Custody of the said Child.

(9) As This and the other Cases are now being Appealed, and with these issues, and others I will no doubt prevail.

(10) Also my Due Process Rights were Violated with this Recent Ruling, by not Assesing my Ability to Pay. see Bedford v. Bedford 536 A2d 102.

(11) There are also Violations of Statutory Proportions, in that the Support Statute of 23 Pa. C.S.A. §4302, Defines Income basically as; Money that Derives from the Job you Work, and the Department of Corrections A.D.M. Policy 005, Defines Income as Any Money that Comes into your Account Regardless of the Source. Also see, the Definitions in Title 15 U.S.C.S. §1602.

(12) It has been held that; Inmates have a Constitutionally Protectable Property Intrest in Money Recieved from Outside Sources. U.S.C.A.Const. Amend. 14. see Murry v. Dosal 150 F.3d 814 (8th Cir. 1998).

(13) Therefor Money that comes from family and friends as Gifts, Should not be Taken and Applied to any Support, or for any other Purposes, Except when there has been a hearing on the Ability to Pay and the Payor signs or Agrees to this as Due Process Requires.

(14) This coupled with the fact that we only recieve One Pay a Month, \$30.00 and the fact that; our Hours are Presently being Reduced, while the Cost of everything ealse here is going up, such as Commissary Prices, and Postage, is Placing a burden on Me, by not being able to Survive with the Basic Necessities needed from Month to Month.

(15) This has also Placed Additional Hardships on me (not having enough Money) to Purchase Toiletries, needed Vitamins, Copy Cards for Court Exhibits, and has also effected my Health, and Psyche, by Constant Worry and Stress.

(16) Also Visits to see the Doctor here Consist of a \$2.00 Copay, for each Visit, which has not been Computed, or taken into Consideration in my Ability to Pay.

(17) I am also in the middle of Post Conviction Litigation, and other Court Proceedings where I have to purchase Copy Cards here for either \$5.00 or \$10.00 that I Need for Exhibits, but Cannot Afford them on the \$30.00 a Month income, let alone when they take out the \$24.00 Support Payment (which is too much)but it leaves me to rely on the Gifts from my family and friends, if they have it.

(18) There is a High risk Associated with the Erroneous Deprivation of my Funds as noted here, that will Continue to happen, and Coupled with the fact that I may Never Recieve Any of this Money Back, Creates a just situation for the Granting of this Preliminary Injunction, and Temporary Restraining Order.

(19) For the Reasons set forth in the Complaint, and Memorandum of law filed with this Motion, the Plaintiff is entitled to a Preliminary Injunction and a Temporary Restraining Order, Requiring the Defendants to Cease and Desist of the Detraction of funds from this Petitioners Account.

(20) For the foregoing Reasons, the Court Should Grant the Plaintiff's Motion in All Respects.

MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR A PRELIMINARY
INJUNCTION AND TEMPORARY RESTRAINING ORDER
STATEMENT OF THE CASE

This is a Civil Action brought by a State Inmate contending; that the Inmate Business Office, and Accounting Office at S.C.I. Greensburg is Violating said Inmates Right, to his liberty intrest in Monies that come in as Gifts, from family and friends, by taking out of Inmates Prision Account, Money to Give to a Credit Agency, based on Family Division Child Support Orders, where the Inmates Support Orders have been SUSPENDED, and the Arrearages that are in question have been forgiven Untill Inmates Release.

STATEMENT OF FACTS

As stated in the Declaration submitted with this motion, the Plaintiff is Experiencing Extreme Hardships, from the Outrageous Deductions of 70%, 85%, and Sometimes 95%, from his Prision Account, that Derives from a 3 year Review of a Suspended Child Support Order, inwhich one of the Children whose support is being deducted, has been already deemed not mine. Even if some Arrears are to be Paid, they are to be Applied According to the Support Law Statute of 23 Pa. C.S.A. Chapters §4300 - 4500, and U.S.C.S. TITLE 15 §1673 Restriction on Garnishment.

The Institution here, is not only taking Monies out which are to be Addressed Upon Release, beacuse of my Inability to Pay, (which has not been Addressed Either) but they are also Taking Out too Much Money, as both the Support Statute, and the Limit as Prescribed by U.S.C.S. TITLE 15 §1673 States, the Amount that comes from your INCOME is not to be more than 55% of your Wages.

The D.O.C. ADM 005 Collection of Inmate Debt Policy, is also in Direct Conflict with these Legislative Enactments, and Cannot Supersede them.

The Confusion in 23 Pa. C.S.A. §4348(c)&(g), and ADM 005 is that; they here take out More than 55% of ANY Money that Comes into my Account, and the Statute Mandates that Only 10% of the Judges Order is to be taken from the Wage Attachment. Also the D.O.C.'S Definition of INCOME is any Money that Comes into your Account, (even from Gifts) as Apposed to the Money you Earn for Work, as Defined by 23 Pa.C.S.A. §4302 & TITLE 15 U.S.C.S. §1673.

The Defendants against whom the Relief is Sought are, Respectively; the D.O.C., and their Employees, Jack A. Loughery D.O.C. Business Manager, Richard Gaydos D.O.C. Inmate Accounting, and Lawrence P. Benning D.O.C. Facility Manager, at S.C.I. Greensburg, whom are All apart of the Administration here, Enforcing the Extortion, in the form of the 60%, and up theft of Inmates funds that comes into my Account from Family and Friends, and Not from my Monthly Work Income as it Should.

DATED: SEPTEMBER 10, 2003

RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script, appearing to read "Cassius M. Clay", is written over a horizontal line.

CASSIUS M. CLAY, DQ5954

Pro-Se, Plaintiff

R.D. #10, Box 10

Greensburg, PA 15601

EXHIBIT DD

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

CASSIUS M. CLAY, SR.,	:	
Petitioner	:	
	:	
v.	:	
	:	
PENNSYLVANIA DEPARTMENT OF	:	
CORRECTIONS et al.	:	
Respondents	:	No. 640 M.D. 2003

PER CURIAM

O R D E R

NOW, November 7, 2003, upon consideration of respondent's preliminary objection alleging defective service, and it appearing that service of the petition for review has not been made on respondent as required by Pa. R.A.P. 1514(c), petitioner shall serve his petition for review on respondent and the Attorney General in person or by certified mail as required by Pa. R.A.P. 1514(c) and file with this court a certificate of service of same within 14 days of the entry of this Order or respondent's preliminary objection pertaining to service will be sustained and the petition for review will be dismissed as of course. See Awkakewakeyes v. Department of Corrections, 597 A.2d 210 (Pa. Cmwlth. 1991) (overruling Bronson v. Filipi, 528 A.2d 1060 (Pa. Cmwlth. 1987)).

Respondent may file additional preliminary objections within 44 days of entry of this order if petitioner complies with paragraph one above.

2003-11-07

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

CASSIUS M. CLAY, SR.,	:	
Petitioner	:	
	:	
v.	:	
	:	
PENNSYLVANIA DEPARTMENT OF	:	
CORRECTIONS et al.	:	
Respondents	:	No. 640 M.D. 2003

PER CURIAM

O R D E R

Now, December 22, 2003, upon consideration of respondent's second preliminary objection alleging defective service, and it appearing that petitioner failed to comply with this court's order of November 7, 2003, the preliminary objection is sustained, and the petition for review is dismissed.

Certified from the Record

DEC 23 2003

and Order Exit

10:10 A.M.

Miscellaneous Docket Sheet**Commonwealth Court of Pennsylvania****Docket Number: 640 MD 2003****Page 1 of 5****August 2, 2007**

Cassius M. Clay, Sr.,
 Petitioner
 v.
 Department of Corrections (D.O.C.)
 & Employees Jack A. Laughry (D.O.C.
 Business Manager), Richard Gaydos
 (D.O.C. Inmate Accounting) and Lawrence P.
 Benning (D.O.C. Facility Manager),
 Respondents

Initiating Document: Petition for Review

Case Status: Decided/Active

Case Processing Status: January 7, 2004

Reargument/Reconsideration Filed

Journal Number:

Case Category: Miscellaneous

CaseType: Inmate Petition for Review

Consolidated Docket Nos.:**Related Docket Nos.:****COUNSEL INFORMATION****Petitioner** Clay Sr., Cassius M.

Pro Se: ProSe

Appoint Counsel Status:

IFP Status: Yes

Attorney: Clay, Cassius M.

Law Firm:

Address: DQ 5954- RD 10 Box 10
 Greensburg, PA 15601
 Phone No.:

Respondent Department of Corrections

Pro Se:

Appoint Counsel Status:

IFP Status:

Attorney: Robinson, Alan Matthew

Law Firm:

Address: PA Dept of Corrections
 55 Utley Drive
 Camp Hill, PA 17011

The Clerk of the Commonwealth Court

Notice is hereby given that the opposite court filing offices may not be immediately available on web generated documents.
 Further, the filing offices of the Administrative Office of Pennsylvania Courts disclaim any liability for inaccuracies or delays in the
 or omissions on these web documents.

10:10 A.M.

Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 640 MD 2003

Page 2 of 5

August 2, 2007



Phone No.: (717)731-0444

TRIAL COURT/AGENCY INFORMATION

Court Below: Department of Corrections

County:

Division:

Date of Order Appealed From:

Judicial District:

Date Documents Received: September 25, 2003

Date Notice of Appeal Filed:

Order Type:

ORIGINAL RECORD CONTENTS

BRIEFING SCHEDULE

PAPAS Web Docket Sheet

Read it online or print it. If you are a court clerk, you may not be immediately notified of web-generated docket sheets. Please direct all correspondence to the Administrative Office of Pennsylvania Courts as it is our responsibility to locate and record all needed data from all of our courts on these web docket sheets.

10:10 A.M.

Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 640 MD 2003

Page 3 of 5

August 2, 2007



DOCKET ENTRIES			
Filed Date	Docket Entry/Document Name	Party Type	Filed By
September 25, 2003	Petition for Review Filed	Petitioner	Clay Sr., Cassius M.
September 25, 2003	Application to Proceed In Forma Pauperis	Petitioner	Clay Sr., Cassius M.
October 1, 2003	Order Granting Application to Proceed In Forma Pauperis		Per Curiam
October 10, 2003	Praecipe for Appearance Praecipe for Appearance Robinson, Alan Matthew	Respondent	Department of Corrections
November 5, 2003	Preliminary Objections	Respondent Respondent Respondent Respondent	Department of Corrections Gaydos, Richard Loughry, Jack A. Benning, Lawrence P.
November 7, 2003	Order Filed Petitioner shall serve AG and Resp. with a copy of the Pet. for Review by 11/24/03.		Per Curiam
Petitioner shall file a cert. of service by 11/24/03 or PO pertaining to service will be sustained and the pet. for review will be dismissed as of course. Respondent may file additional PO's within 44 days of the entry of this order if petitioner complies with service.			
November 24, 2003	Certificate of Service Filed (Non compliance with order)	Petitioner	Clay Sr., Cassius M.
December 18, 2003	Preliminary Objections Second.		

- Auto-Minute Docket Entry

Recent entries made in the eDocket Court filing system may not be immediately reflected on web page. For court records, please the Appellate Court's Court Administration Office. The Pennsylvania Courts assumes any liability for non-distribution of any other errors or omissions on this web page.

10:10 A.M.

Miscellaneous Docket Sheet**Commonwealth Court of Pennsylvania****Docket Number: 640 MD 2003****Page 4 of 5****August 2, 2007**

Respondent	Department of Corrections
Respondent	Gaydos, Richard
Respondent	Loughry, Jack A.
Respondent	Benning, Lawrence P.

December 22, 2003 Dismissed

Petitioner failed to comply with the 11/7/03 order, the 2nd PO, re: defective service is sustained.

Per Curiam

January 7, 2004 Application for Reconsideration

Petitioner Clay Sr., Cassius M.

January 8, 2004 Order Denying Application for Reconsideration

Per Curiam

January 26, 2004 Notice of Appeal to PA Supreme Court Filed

Petitioner Clay Sr., Cassius M.

3-AD-003 Web Docket Sheet

August 2, 2007 10:10 A.M. The possible court files officer may not be immediately visible on web generated docket sheet. Neither the Appellate Court nor the Administrative Office of Pennsylvania Courts, assumes any liability for inaccuracies, omissions, or omissions on these web docket sheets.

10:10 A.M.

Miscellaneous Docket Sheet**Commonwealth Court of Pennsylvania****Docket Number: 640 MD 2003****Page 5 of 5****August 2, 2007****DISPOSITION INFORMATION**

Related Journal Number:		Judgment Date:	12/22/2003
Disposition Category:	Disposed Before Decision	Disposition Author:	Per Curiam
Disposition:	Dismissal	Disposition Date:	12/22/2003

Dispositional Comments:

Dispositional Filing:

Author:

Filed Date:

REARGUMENT/RECONSIDERATION/REMITTAL

Reargument/Reconsideration Filed Date: January 7, 2004

Reargument Disposition: Reconsideration/Reargument Denied

Date: January 8, 2004

Record Remitted:

FACIAL View Docket Sheet

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8/2/2007

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